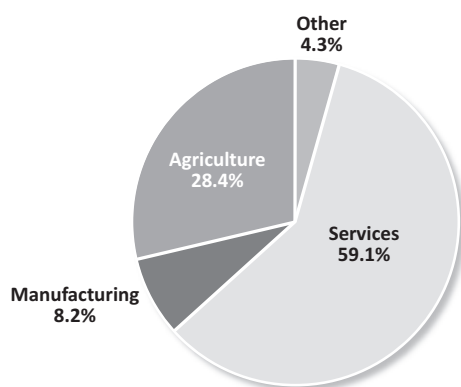


In 2012, Ukraine made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government adopted the National Program for Combating Human Trafficking and Councils for Combating Human Trafficking at Oblast (provincial level) were operational in most regions of Ukraine. The Government also ratified the Council of Europe's Convention on the Protection of Children Against Sexual Exploitation and Abuse. The administrative reform involved a significant bureaucratic reshuffling of specific work portfolios, which may threaten the coordination of child protection systems that include child labor issues. Furthermore, the Criminal Code does not prohibit the possession of child pornography and lacks clarity regarding the age of consent for sexual relationships. Children continue to engage in the worst forms of child labor in dangerous agricultural tasks, as well as in prostitution and pornography.

Statistics on Working Children and Education

| Children | Age | Percent |
|---------------------------|-----------|----------------|
| Working | 7-14 yrs. | 15.1 (904,210) |
| Attending School | 7-14 yrs. | 95.8 |
| Combining Work and School | 7-14 yrs. | 17.3 |
| Primary Completion Rate | | 96.6 |

Working Children by Sector, Ages 5-14



Sources:

Primary completion rate: Data from 2010, published by UNESCO Institute for Statistics, 2013.(1)

All other data: Understanding Children's Work Project's analysis of statistics from MICS3 Survey, 2005.(2)



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ukraine engage in the worst forms of child labor, including in dangerous activities in agriculture, prostitution, and pornography.(3-5) Children working in agriculture may use dangerous tools, carry heavy loads, and apply harmful pesticides.(4, 6) The Office of the Ombudsman for Children's Rights conducted a study on child labor trends during the reporting period. The study, which included more than 4,000 children and 1,000 parents, found child labor in agriculture (30 percent), sales activities in kiosks and in the distribution of advertising leaflets (25-30 percent), construction (19 percent), and other unskilled positions.(5) The survey is not nationally representative and did not include children in the informal sector.(5)

Commercial sexual exploitation of children, including prostitution and pornography, remains a serious problem in Ukraine.(5, 7, 8) Children as young as age 10 are used in prostitution and the production of pornography.(9) According to Ukrainian and international law enforcement authorities, a large amount of child pornography on the Internet comes from Ukraine.(7)

Children are also trafficked for sexual and labor exploitation in and out of Ukraine as well as within the country.(8, 10) Girls are trafficked in and out of Ukraine.(9) These children are trafficked into domestic service, agriculture, street work, and commercial sexual exploitation.(9) Children trafficked within Ukraine are often forced to work as beggars or prostitutes.(11, 12) Homeless, orphaned, and poor children are at high risk of being trafficked and are targeted by recruiters for child pornography.(10, 12)

Children may be found working on the surface of informal coal mines, where they load, transport, and sort coal.(3, 5) Reports

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of children working in such mines, however, are isolated and unconfirmed.(13)

There are reports of children working on the streets, but information regarding specific activities and hazards is unknown.(3, 14)

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 16; children who have reached age 15 can work with the permission of a parent.(3, 5) The minimum age for hazardous work is 18. The Labor Code allows children in secondary or vocational schools to perform light work at age 14 with parental consent, provided that work does not interfere with their education and is not harmful to their health. However, provisions for determining what qualifies as light work are not included in the law.(15) The Ministry of Health prohibits heavy work and types of work under harmful and hazardous conditions at all establishments, regardless of what that activity is, for children under age 18.(16) Minors in vocational training programs for hazardous occupations are permitted to perform hazardous work for under four hours a day beginning at age 14, as long as occupational health and safety standards are met.(15, 16) Ukraine's minimum age for such work is 2 years below the international minimum age for entering hazardous vocational training, which is 16. (15)

International Conventions and Selected Laws on Child Labor and Education

| | | |
|---|---|-----|
|  | C138, Minimum Age | ✓ |
| | C182, Worst Forms of Child Labor | ✓ |
|  | CRC | ✓ |
| | CRC Optional Protocol on Armed Conflict | ✓ |
| | CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography | ✓ |
|  | Palermo Protocol on Trafficking in Persons | ✓ |
|  | Minimum Age for Work | 16 |
| | Minimum Age for Hazardous Work | 18 |
|  | Compulsory Education Age | 18 |
| | Free Public Education | Yes |

The law “On Childhood Protection,” serves as the primary legal framework for combating child labor. The law forbids the involvement of children in the worst forms of child labor that are defined according to ILO Convention 182.(5) Article 150 of the Criminal Code outlaws the exploitation of children. Article 304 provides penalties for using a child for begging.(9, 17) Articles 304 and 309 of the Code prohibit the engagement of children in illicit activities, including the production, purchase, storage, or transport of drugs. Article 302 outlaws the use of children in prostitution.(17) Domestic law does not specifically define an age of consent for sexual relations though it is generally understood to be 16.(5) In some courts, children ages 16-17 are being prosecuted as offenders rather than victims of sexual exploitation.(5)

The Parliament adopted the Law on Amendments to Some Legislative Acts of Ukraine on Combating the Distribution of Child Pornography.(18) However, there is no law that prohibits the possession of child pornography.(5)

Forced labor is prohibited in the Constitution and in the Criminal Code.(5, 19) Article 149 of the Criminal Code prohibits trafficking in persons for sexual service and for labor.(12, 17) This article is applicable to both internal and international trafficking and increases penalties for trafficking if the victim is a minor.(12, 17)

In 2012, the Government ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.(5, 12)

The compulsory military recruitment age is 18.(5, 20)

Education is free and compulsory until age 18.(21, 22) Nevertheless, access to education is limited for rural and Roma minority children. In areas with low population density, some schools have closed due to the lack of school-aged children, forcing children to travel to distant villages for school.(7)

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Social Policy is responsible for coordinating and implementing state policy to protect the rights and interests of children, including policies aimed at eliminating the worst forms of child labor.(5, 12, 18) The Interagency Council on Family, Gender Equality, Demographic Development, Prevention of Violence in the Family, and Counter Trafficking Issues is also partially responsible for coordinating the enforcement of criminal laws related to victims of child labor.(5) Reportedly, the Council met only once although the

requirements call for a meeting every 3 months.(5) The Office of the Ombudsman for Children's Rights that was opened in 2011 is responsible for monitoring the rights of children, including the issue of child labor, ensuring that Ukraine abides by international obligations regarding children's rights. The Office of the Ombudsman for Children's Rights is also responsible for coordinating the development of laws on child protection.(3, 5) The Office has seven staff members.(3, 5)

In 2011 the Ministry of Family, Youth, and Sports that previously was responsible for coordinating efforts to combat human trafficking at the national level was merged with the Ministry of Science and Education; its Department of Adoption and Children's Rights Protection moved to the Ministry of Social Policy.(3, 5) The Ministry of Social Policy is the current National Coordinator on Combating Human Trafficking.(12, 18) Since 2012, Oblast (provincial level) Councils for Combating Human Trafficking have been created and have been operating in almost all regions of Ukraine.(18)

It is unknown what responsibilities the Ministry of Science and Education has after the administrative reform. The administrative reform involved a significant bureaucratic reshuffling of specific work portfolios, which may threaten the coordination of child protection systems that include child labor issues.(3, 5, 23)

Several agencies were responsible for enforcing hazardous child labor laws during the reporting period, among which the Ministry of Social Policy's State Labor Inspectorate and Department of Adoption and Children's Rights Protection; the Ministry of the Interior's Criminal Police for Children's Affairs and Department on Combating Cybercrimes; the Ministry of Science, Education, Youth, and Sport; the Prosecutor General's Office; and the Security Service of Ukraine.(3, 5, 13) The Ministry of Social Policy and the Ministry of Internal Affairs are responsible for identifying children in the informal sector involved in the worst forms of child labor.(7) The State Labor Inspectorate in the Ministry of Social Policy is the lead agency responsible for enforcing child labor laws.(7)

The State Labor Inspectorate employs 706 labor inspectors.(5) Funding for inspections is limited; inspectors lack offices, transportation, and travel budgets.(24) No training for labor inspectors on child labor was conducted in 2012.(5)

Labor inspectors must notify employers at least 10 days in advance of an inspection and a warrant must be issued in the event that an unscheduled inspection will take place.(25) These

provisions may hamper the inspectors' ability to detect child labor law violations.

In 2012, the State Labor Inspectorate conducted regular inspections at 540 enterprises, including agricultural enterprises.(18) Violations were discovered at 230 enterprises where the Inspectorate found 1,036 minors working in violation of the labor law. There were 28 children ages 14-15 years, 149 children ages 15-16 years, and 859 children ages 16-18 years.(5, 18) Of these children, 18 worked in hazardous conditions.(5, 18) There were 30 minors who worked beyond the accepted working time length and 24 minors worked night, overtime, and on the weekends.(5, 18) It is unknown whether the children counted as working in hazardous conditions are included in the numbers of children counted as being involved in working hours violations.

In addition, during the "thematic" inspections, which occurred in February and March 2012 at 314 enterprises in the sectors likely to employ children, the Inspectorate found 589 working minors.(5) Most of the children found working were age 16 and older.(5) Three children were ages 14 to 15 years, and three children were in hazardous labor.(5) Most of the violations pertained to children working beyond allowed time-limits; on holidays, weekends, or nights; with delayed payments; and without an employment contract.(5) The Inspectorate filed 289 orders of both types of inspections to business owners to eliminate these violations.(5) Statistics on whether fines or other penalties were enforced is not available.(5)

The Criminal Police for Children's Affairs (CPCA) is the primary agency to which children involved in criminal activities are referred.(3, 5)The CPCA employs approximately 3,000 officers throughout the country.(3, 5) The Cyber Crime and Counter-Trafficking Division (CTD) works to combat human trafficking and cybercrimes and employed 550 officers before its most recent reorganization.(3, 5, 13) In addition to conducting raids on brothels, the Criminal Police verifies the legality of photography studios, modeling agencies, night clubs, massage parlors, and hotels to prevent sexual exploitation of children.(26) Under the current administrative reform, CPCA was reorganized into a unit under the Criminal Police Department of the Ministry of Interior and CTD was reorganized as the Counter Trafficking Division under the Criminal Investigation Department and Cyber-Crime Division.(5) The reform resulted in the departure of specialty trained detectives and a reduction in time spent on trafficking investigations.(13)

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In 2012, the IOM trained 189 law enforcement officers in trafficking issues.(5) Judges, however, do not receive adequate training and some do not appear to know how to properly adjudicate child trafficking cases.(5) Hotlines have been established to accept reports of child trafficking and commercial sexual exploitation of minors on the Internet.(8)

In 2012, there were 16 newly identified minor victims of trafficking. Sixty-two minors were reintegrated and provided services by IOM. (12) The majority of them were taken away from their parents due to lack of parental care and the parents' involvement in the trafficking of their own children.(12)

Government Policies on the Worst Forms of Child Labor

The National Action Plan to Implement the UN Convention on the Rights of the Child (2010-16) (NAP) outlines action steps for putting the country's legal framework that protects children's rights into practice.(8) The NAP covers a variety of topics relating to child protection, including economic exploitation, rehabilitation of victims found in the worst forms of child labor, access to education, and creating a child labor monitoring system.(5)

The Government allocated only 10.0 percent of planned funding for 2011 and 2012 to the NAP, including funding for the mandated child labor monitoring system elaborated in the plan.(3, 5) Due to a lack of funding, the implementation of the monitoring system did not move beyond the implementation of a pilot program in two locations and research found no evidence of additional actions under the NAP during the reporting period.(5) The lack of sufficient funds hampers the ability of the Ministries to implement the policy for better child protection through plans such as the NAP.(3, 14)

In March 2012, the Government adopted the National Program for Combating Human Trafficking Until 2015 to implement the Law on Combating Human Trafficking from 2011. This Program set up several regulations to guide the work of the National Coordinator on Combating Human Trafficking, including Procedures to Identify Status of Human Trafficking Victims, Approval of Payment of One-time Financial Assistance to Victims of Trafficking, National Mechanisms of Interagency Cooperation to Counter Trafficking in Human Beings, and the Establishment of a State Registry for Human Trafficking Crimes.(12, 18)

In 2012, the Government implemented a State Program on Poverty Reduction.(3, 5) It is too early to evaluate the impact this program may have on child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Office of the Ombudsman for Children's Rights conducted and released the results of a study on child labor trends in Ukraine in 2012.(5) The Government, together with the ILO, anticipates conducting a new survey on understanding child labor in 2013. In 2012, Ukraine participated in the USDOL-funded, 4-year Global Action Program on Child Labor issues Project, which is active in approximately 40 countries. In Ukraine, the project aims to improve the evidence base on child labor and forced labor through data collection and research.(27)

The Ministry of Social Policy is responsible for the social protection of both domestic and foreign victims by providing approximately 67 shelters and 51 social-psychological rehabilitation centers for children.(12) However, the current capacity is insufficient to cover the extent of the problem.(5)

The main providers of services for trafficking in persons (TIP) victims were 742 Centers for Social Services for Family, Youth, and Children. The Centers are responsible for assessing TIP victims' needs and drafting rehabilitation plans.(12) However, these Centers experienced a large turnover of staff due to an excessive workload and low pay.(12) This may restrict the Centers in their ability to address the main needs of trafficked victims efficiently.

The Government partners with international organizations on a number of anti-trafficking programs. Posters and information cards about child sex tourism and human trafficking were also distributed at border crossings.(28) In addition, the Ministry of Education and Science partnered with international organizations to develop guidelines to assist teachers in discussing human trafficking issues with their students. The Ministry also continued a school program for grades 7 to 11 to raise awareness on the issue.(28) The Government, together with OSCE, implemented the Multiplication of Anti-Trafficking National Referral Mechanism in Ukraine project. Since 2011, the Government, in partnership with IOM, has also been implementing the "Establishment of Multidisciplinary Interaction Mechanism to Assist Victims of Human Trafficking" project in several cities.(18)

The Government collaborates with USAID on the Families for Children Program, which targets children living outside of family care. The program focuses on developing a continuum of family-based care services that provide effective alternatives to long-term institutionalization or life on the streets for children, including those who are affected by HIV.(29)

The Government worked together with ILO to promote inclusivity within the social protection system, among other goals, under the Decent Work Country Program for the 2012-2015 period, which was signed in June 2012. The Program incorporated the results of the evaluation from the previous 2008-10 Decent Work Country Program of Ukraine.(30) The aim of the social protection component of the program is to improve the social status of migrant workers, develop and implement a national occupational safety and health program, and strengthen the labor inspection system. The Decent Work Country Program will also contribute to the implementation of two programs, Ukraine for People and the Program of Economic Reforms for 2010-14–Prosperous

Society, Competitive Economy, Effective State. Both programs aim to achieve national objectives set under the Millennium Development Goals.(30)

The Government continued providing free school lunches to certain categories of children including those from families with many children, families of Chernobyl victims, low-income families, and families in some rural areas.(14) However, as noted above, access to school for some rural and Roma children remains a problem.

The question of whether the Decent Work, school lunch, and/or other related programs have an impact on child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Ukraine:

| Area | Suggested Actions | Year(s) Action Recommended |
|------------------------------|---|----------------------------|
| Laws and Regulations | Amend the Labor Code to include guidance on how “light work” is determined as it applies to children. | 2009, 2010, 2011, 2012 |
| | Amend the Labor Code to prohibit all children younger than 16 from working in hazardous occupations in vocational training. | 2011, 2012 |
| | Ensure that children victims of sexual exploitation of age 16 and above are not prosecuted as offenders. | 2012 |
| | Amend the Criminal Code to prohibit possession of child pornography. | 2012 |
| Coordination and Enforcement | Regularly convene meetings of the Interagency Council on Family, Gender Equality, Demographic Development, Prevention of Violence in the Family, and Counter Trafficking Issues to carry out its mandate of examining policies and legislation on issues of child protection. | 2009, 2011, 2012 |
| | Closely monitor the effects of the recent administrative reform and ensure that child protection remains a priority. | 2010, 2011, 2012 |
| | Provide labor inspectors with appropriate resources to complete inspections. | 2011, 2012 |
| | Amend the labor regulations to allow for unannounced inspections that include visits in agriculture, mining, and informal sectors and consider ways to streamline the labor inspection process. | 2011, 2012 |
| | Provide the number of violations and information available on penalties assessed for child labor violations. | 2010, 2011, 2012 |
| Policies | Provide sufficient funds necessary to implement the National Action Plan for Child Protection, including the mandated child labor monitoring system. | 2010, 2011, 2012 |
| | Assess the impact that the State Program on Poverty Reduction may have on child labor. | 2011, 2012 |

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| Area | Suggested Actions | Year(s) Action Recommended |
|-----------------|---|----------------------------|
| Social Programs | Assess whether the capacity of staff in the Centers for Social Services for Family, Youth, and Children is sufficient to ensure that victims of human trafficking are provided the amount of quality services they require. | 2012 |
| | Assess children's access to rural schools and develop programs to facilitate school attendance. | 2010, 2011, 2012 |
| | Assess the impact that Decent Work and related programs may have on child labor. | 2011, 2012 |

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